

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON DIVISION

Shirley A. Propst,

Plaintiff,

vs.

JoAnne B. Barnhart,

Commissioner of Social Security,

Defendant.

Civil Action No. 8:05-0711-TLW

**ORDER**

This is a social security case. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge recommending that the Commissioner's decision be reversed under sentence four of 42 U.S.C. § 405(g), with a remand of the matter to the Commissioner for further administrative proceedings. The Report is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(a), D.S.C.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1).

Plaintiff filed her brief on January 11, 2006. Thereafter, on February 15, 2006, the Commissioner filed a motion seeking an order of reversal and remand of the matter for further administrative proceedings. The Magistrate Judge filed her Report on May 4, 2006. No objections were filed by either party. In the absence of objections, the Court is not required to give any

explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). Moreover, a failure to object waives appellate review. Wright v. Collins, 766 F.2d 841, 845-46 (4th Cir. 1985). After a thorough review of the Report and the record in this case pursuant to the standards set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that the decision of the Commissioner be **REVERSED** under sentence four of 42 U.S.C. § 405(g) and the matter be remanded to the Commissioner for further administrative proceedings as set forth in the Magistrate's Report.

**IT IS SO ORDERED.**

s/ Terry L. Wooten  
TERRY L. WOOTEN  
UNITED STATES DISTRICT JUDGE

July 13, 2006  
Florence, South Carolina